

**Canadian Union**

**of**

**Public Employees**

**Local 3799**

**BY-LAWS**

(Revised: October, 2008)



CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 3799 BY-LAWS  
REFERENDUM BALLOT October 17, 1995

AND BY  
CUPE NATIONAL  
(confirmed in correspondence)  
dated, June 1996 from Judy Darcy, President  
revised, October 2003 approval granted from Judy Darcy, President  
revised October 2008 approval granted from Paul Moist, President

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## **PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

### **Section 1 – Name**

The name of this union shall be: Canadian Union of Public Employees, Local No. 3799.

### **Section 2 – Objectives**

- a. To secure fair and equal remuneration for work performed and generally advance the economic and social welfare of its members and all employees.
- b. To provide the opportunity for its members to influence and shape their future through free democratic trade unionism.
- c. To encourage the settlement, by negotiation and mediation, of all disputes between the members and their employer.
- d. To support CUPE in reaching the goals set out in Article II of the CUPE Constitution.
- e. Duties and responsibilities of elected Officers and Members of Committees should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities; in other words, duties should be shared by many rather than the few.
- f. The following By-Laws are adopted by the Local pursuant to Appendix "B" of the CUPE Constitution, to safeguard the rights of all Members, to provide for responsible administration of the Local, and to involve as many Members as possible through the sharing of duties and responsibilities.

### **Section 3 – Interpretation and Definitions**

- a. Masculine pronouns shall be understood to include the feminine gender.
- b. Number of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these By-Laws.
- c. Regular Member is an employee of the University of Northern British Columbia who applies for and is accepted into the membership of the Union and who agrees to abide by the Constitution and By-Laws.

### **Section 4 – Membership Meetings – Annual, General and Special**

- a. General Membership Meetings shall be held monthly - January through June and September through December. General Membership Meetings will be suspended July and August. The Executive Board shall give the general membership a minimum of seven (7) days advance notice of date, time and place of each of the monthly meetings.

- b. The Annual General Membership Meetings shall be held in February. The election of officers will take place at this meeting.
- c. Special Membership Meetings may be ordered by the Executive Board or requested in writing by no fewer than 5% of the members. The President shall immediately call a Special Membership Meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours notice of the Special Membership Meeting and the subject(s) to be discussed. No business shall be transacted at the Special Membership Meeting other than that for which the meeting is called and notice is given.
- d. A quorum for the transaction of business at any General Membership or Special Membership Meeting shall be 5% of the members, including at least three (3) members of the Executive Board. If the quorum is not achieved and 51% of the Executive Board is present then the meeting will be conducted as if there was a quorum to deal only with the issues that are on the agenda. Under this situation there shall be no new items added to the agenda.
- e. The order of business at General Membership Meetings shall typically be as follows:
  - 1. Call to Order
  - 2. Roll Call of Officers
  - 3. Approval of the Agenda
  - 4. New Members
  - 5. Approval of Minutes
  - 6. Treasurer's Report
  - 7. Correspondence
  - 8. Executive Board Reports
  - 9. Chief Shop Steward's Report
  - 10. Old Business (including matters arising from the minutes)
  - 11. New Business
  - 12. Good of the Union
  - 13. Adjournment

**Section 5 – Voting of Funds for Donations**

No sum shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion at the General Membership Meeting. For any sum over \$500.00 written notice of motion must be given at least seven (7) calendar days prior to the General Membership Meeting. A simple majority shall rule.

**Section 6 – Officers**

The Officers of the Local shall be the:

- a. President,
- b. Vice-President,
- c. Secretary-Treasurer,
- d. Recording-Secretary,
- e. Trustees - three (3),
- f. Chief Shop Steward, and
- g. Sergeant at Arms.

All Officers shall be elected by the membership at the Annual General Membership Meeting in February.

**Section 7 – Executive Board**

- a. The Executive Board shall be comprised of all officers, except the Trustees.

- b. The Executive Board shall meet at least once every month.
- c. The Executive Board shall attend all General Membership and Executive Board Meetings.
- d. The Executive Board shall work in consultation with the Local's CUPE representative.
- e. The Executive Board may invite guests to the Executive Board Meetings; such guests shall have a voice but no vote.
- f. The Executive Board shall preserve the confidentiality of the business of the Executive Board.
- g. At least 51% of the Executive Board constitutes a quorum at Executive Board Meetings.

At General Membership Meetings if quorum is not achieved and 51% of the Executive Board is present, then the meeting will be conducted as if there was a quorum to deal only with the issues that are on the agenda. Under this situation there shall be no new items added to the agenda.

- h. The Executive Board shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a General or Special Membership Meeting and having it approved.
- i. The Executive Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees of the Local.
- j. Any charges against members or Officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.
- k. Should any Executive Board Member fail to answer the roll-call for three (3) consecutive General Membership Meetings or four (4) Executive Board Meetings without having submitted good reason for those failures to attend, his office shall be declared vacant and shall be filled by an election at the following General Membership Meeting.
- l. An Executive Officer wishing to be excused from a General Membership or Executive Board Meeting should inform the President or any other Executive Member as far as possible in advance of a meeting. The Executive Board will excuse a member for any good reason and for illness.
- m. The Executive Board may have a least two (2) full day meetings per year on a regular scheduled work day. Should additional meetings be required they be held with the approval of the membership at a General Membership Meeting.

### **Section 8 – Duties of Officers**

- a. The President shall:
  - enforce the CUPE Constitution and By-Laws;
  - preside (or designate another Executive Board Member to preside) at all General Membership and Executive Board Meetings; preserve order; and decide all points of order and procedure (subject always to appeal to the membership);
  - have a vote on all matters (except appeals against his rulings) and in the case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
  - ensure that all officers perform their assigned duties;
  - appoint committee vacancies where elections are not provided for;

- introduce new members at General Membership Meetings;
- have signing authority for cheques and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, By-Laws, or vote of the membership;
- have first preference as a delegate to the CUPE National Convention, the CUPE B.C. Convention, and all other conventions/conferences of agencies with whom the Union is affiliated.
- be empowered to appoint a member to any vacant Executive Office if the position becomes vacant during an incumbent's term or after the Election of Officers, where no eligible member has filled the vacancy. Such appointments shall be ratified by the membership at the next General Membership Meeting following the appointment;
- be a member of and attend all meetings of the University's Labour-Management Committee;
- be bonded for \$100,000.00 under the master bond held by the Canadian Union of Public Employees.

b. The Vice-President shall:

- perform all duties of the President, should the President be absent or incapacitated;
- be Acting President until a new President is elected, should the Office of the President fall vacant;
- preside at General Membership Meetings when called upon by the President to do so;
- render assistance to the Executive Board as directed by the Executive Board;
- be an alternative signing officer of the Local and be bonded for \$100,000.00 under the master bond held by the Canadian Union of Public Employees;
- have second preference as a delegate to the CUPE National Convention, the CUPE B.C. Convention, and all other conventions/conferences of agencies with whom the Union is affiliated.
- be a member of and attend all meetings of the University Labour-Management Committee;
- be an ex-officio member on all Committees of the Local.

c. The Recording-Secretary shall:

- keep a full, accurate and impartial account of the proceedings of all General or Special Membership and Executive Board Meetings including all motions with mover's and seconder's names, alterations to the Local's By-Laws, Committee reports, results of elections and votes including counts;
- prepare and distribute minutes of the General and Special Membership Meetings;
- submit any alterations in the By-Laws to CUPE National for approval;
- prepare draft copies of the Minutes of the previous General Membership Meeting for distribution to the Executive Board with sufficient time to allow for development of the agenda prior to the next General Membership Meeting.
- sign the General Membership Meeting Minutes as approved by the membership and obtain the Presiding Officer's countersignature. This copy shall be designated the "archive copy" and shall be preserved for binding at end of the calendar year and kept on file at all times for deciding questions of the record;



- accept the sign-in sheets (hereafter referred to as “the roll”) of each General or Special Membership Meeting from the Sergeant at Arms and include the roll in the Archive Minutes;
- answer correspondence and fulfill other secretarial duties as directed by the Executive Board;
- file a copy of all letters sent out and keep on file all communications;
- prepare and distribute all meeting related notices to members;
- have all relevant records ready on reasonable notice for auditors and Trustees;
- be empowered, with the approval of the membership, to employ necessary stenographic or other assistants to be paid for out of the Local's funds;
- on termination of office, surrender all books, seals and other properties of the Local to his successor;
- not sign any correspondence without the knowledge of the President;
- have custody of original documents pertaining to contract negotiations and shall be the keeper of the Official Seal of the Local;
- book meeting rooms;
- ensure the CUPE Local's home mailing list is up to date.
- be bonded for \$100,000.00 under the master bond held by the Canadian Union of Public Employees.

d. The Secretary-Treasurer shall:

- throughout his term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union;
- make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited at least once each calendar year and within reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- inform the Chief Shop Steward of new members;
- receive all revenues and deposit promptly all monies into the Local's bank or Credit Union;
- sign cheques and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, By-Laws, or vote of the membership;
- verify the accuracy of the per capita tax remitted to CUPE National by the Employer;
- record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- provide a written financial report to each General Membership Meeting, detailing all income and expenditures for the period;
- be bonded for not less than \$100,000.00 through the master bond held by National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;

- pay no money unless duly signed off by any two members of the Executive Board, except that only the Secretary-Treasurer's authorization shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited annually;
- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- be empowered, with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local's funds;
- prepare the Local's Annual Budget for presentation at the Annual General Membership Meeting;
- on termination of office, surrender all books, records and other properties of the Local to his successor.

e. The Trustees shall:

- act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees at least once every calendar year;
- make a written report of their findings to the first Membership Meeting following the completion of each audit;
- submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership;
- audit the record of attendance;
- inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
- send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative; (Articles B.3.10 to B.3.12 in the National Constitution)
- attend all Executive Board and General Membership Meetings;
- have a voice but no vote at Executive Board Meetings;
- assist the Secretary-Treasurer in establishing the Annual Budget;
- request approval of the membership for an independent auditor whenever such an audit is deemed advisable.

f. The Chief Shop Steward shall:

- chair the Grievance Committee (or if absent, appoint an acting chair from the current shop stewards) and as part of the Grievance Committee meet at least once a month to discuss and solve problems that deal with contract violations and process grievances, and initiate changes where necessary;
- act as liaison between the Executive Board and the Shop Stewards;
- be a member of and attend all meetings of the University Labour-Management Committee;
- supervise the Shop Stewards and ensure Union policies are adhered to;
- initiate letters pertaining to Shop Steward's duties as approved by the Grievance Committee;
- remain a member of the Grievance Committee for one month following the election of a new Chief Shop Steward providing his term has expired;
- police the Collective Agreement;
- perform such other duties as may be assigned by the Executive Board.

g. The Sergeant at Arms shall:

- issue membership cards to initial members, and replace lost cards upon application;
- maintain an accurate and up-to-date file on all voting members;
- guard the inner doors at General and Special Membership Meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present;
- maintain the records of membership attendance at meetings;
- make known to the President or presiding officer the number present at the meeting at any time;
- apply his signature to the roll and present them to the Recording-Secretary at the close of the General or Special Membership Meeting;
- perform other duties as may be assigned by the Executive Board from time to time.

h. Members at Large

i. The Shop Stewards shall:

- act as a liaison between the Executive Board and the Membership, deal with complaints and process grievances;
- as part of the Grievance Committee meet as required to discuss and solve problems that deal with contract violations and process grievances, and initiate changes where necessary;
- attend all General and Special Membership Meetings.
- Assist with new employee orientation.

ii. Clerical Assistants

- Executive Board Members and Chairs of committees may request volunteers to provide clerical assistance when necessary. All requests for volunteer assistance shall be reviewed, approved or denied, and vetted through the Executive Board. All volunteer assistance received shall be given recognition at General or Special Membership Meetings. No salary shall be paid, but those requesting the clerical assistance may request from the membership at a General or Special Membership Meeting to pay out of pocket expenses to such volunteer assistants.

**Section 9 – Honorariums and Out-of-Pocket Expenses**

a. Honorariums

The following honorariums shall be paid annually in March to Executive Board Members, Shop Stewards, Trustees, and the Local's representative on the Northern Area District Council (NADC).

The following honorarium is paid so that each person may be included as an employee of the Local for WorkSafe BC coverage should they attend meetings off-campus in order to perform their duties.

*\$100 Honorarium*

- President
- Vice-President
- Chief Shop Steward
- Secretary-Treasurer
- Recording-Secretary
- Sergeant at Arms

*\$50 Honorarium*

- Shop Stewards
- Trustees
- Local's representative on the Northern Area District Council (NADC)

b. Out-of-Pocket Expenses

i. Executive Board Member Expenses

Executive Board Members shall have a reimbursement limit of \$100.00 per month.

In order to obtain reimbursement, all expenses shall be submitted to the Secretary-Treasurer on an official CUPE Expense Form (available from the Secretary-Treasurer) with receipts attached.

ii. Union Paid Time Off

Executive Board Members, chairpersons of committees, and committee members who are off work to attend to union business, shall have their wages and benefit costs paid to the employer by the Local in accordance with the Collective Agreement.

iii. Vehicle Travel Allowance

The Executive Board Members, Trustees and Shop Stewards when using their vehicle to attend to Union business shall receive a travel allowance equal to the University's business rate or the CUPE BC or CUPE National rate (whichever is greater) for travel.

Wherever possible, Local 3799 members are encouraged to car-pool to attend meetings. Only those people who actually drive a vehicle shall be reimbursed for the travel allowance.

iv. Conventions, Seminars and Educational Schools

All delegates selected to attend conventions shall be paid accommodation and reasonable transportation expenses, and an amount equal to any loss of salary necessitated by attendance at the convention.

Delegates selected to attend a convention or seminar who require child care for dependant children, shall first apply to the Executive Board for approval of said child care expenses. Upon approval, up to thirty (\$30.00) dollars per day or the CUPE BC or CUPE National rate (whichever is greater) shall be reimbursed by the Secretary-Treasurer upon presentation of paid receipts.

Representatives selected to attend educational schools and seminars shall be paid accommodations and reasonable transportation expenses, and an amount equal to any loss of salary necessitated by their attendance.

v. Per Diem

Members selected by the Local to attend conventions, educational schools, seminars, or meetings, shall receive a per diem to cover the cost of meals equal to the University's business rate or the CUPE BC or CUPE National rate (whichever is greater).

It is expected that members will not charge the Local for per diems if meals are included with the cost of the registration fee(s), or if meals are prepared at home.

**Section 10 – Fees, Dues, and Assessments**

a. Initiation Fee

A Local Union may charge such initiation and readmittance fees as it may from time to time decide upon, but in no case shall the initiation or readmittance fee be less than \$1.00 nor more than \$10.00. When a Service Division is authorized to establish or alter the initiation or readmittance fees on behalf of the Local Unions of which it is composed, and in their stead, the procedure to be followed is as set out in the bylaws of the Division.

Currently the Initiation Fee for membership in the Local is one (\$1.00) dollar for new members. Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an Initiation Fee of one (\$1.00) dollar which shall be in addition to Monthly Dues. The payment of initiation fees is a tangible confirmation of the desire to become a member of the Local and the Canadian Union of Public Employees.

b. Readmittance Fee

Currently the Readmittance Fee for membership in the Local is \$1.00.

c. Monthly Dues

An assessment can be levied only for a specific purpose and for a specific period, and a continuing assessment, unless adopted by referendum, must be reviewed at a general meeting at least every six months. Any assessment voted by the membership must be approved by the National President in advance of being levied.

The Monthly Dues shall be 1.65% of gross income.

Special assessments may be levied in accordance with article B.4.2 of the CUPE Constitution.

Changes in the level of the Monthly Dues or levies against any special assessment, can be approved by majority vote of the membership but can only be effected by the procedure for amendment of these By-Laws (see Section 16), with the additional provision that the vote must be by secret ballot.

Notwithstanding the above provisions, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minima.

### **Section 11 – Non-Payment of Dues and Assessments**

Any member in arrears for a period of three months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he shall pay the readmittance fee but may not be required to pay his arrears. (Article B.11.1 in the National Constitution).

### **Section 12 – Nomination, Election, By-Election and Installation of Officers**

#### a. Nomination

No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

Nominations for Executive Board Members and Trustees shall be received at the General Membership Meeting held in the month of January.

To be eligible for nomination a member shall have attended at least 50% of the General Membership Meetings held in the previous 12 months or 50% in the period they were a member, if less than a year. If there is no qualified nominee, the President may waive this requirement with the approval of the membership.

No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing duly witnessed by another member.

No member shall be elected to more than one office.

No member shall be eligible to run for President unless he has been a member in good standing for at least two (2) years and has attended five (5) full General Membership Meetings in the year preceding the January Meeting when nominations are received. If there is no qualified nominee, the Executive Board may waive the above requirements with the approval of the membership.

#### b. Election

1. To be eligible the nominated member must meet the requirements for eligibility described in Section 12(a).
2. At the January General Membership Meeting the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s).

The Committee shall include members of the Local who are neither Officers nor candidates for office; it shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.

Nominations for all vacant positions shall be received at this same General Membership Meeting.

3. The Executive Board shall determine the format of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer. Candidates shall be listed on the ballot alphabetically by last name.

The Officers shall be elected in the following order: President, Vice-President, Recording-Secretary, Secretary-Treasurer, Chief Shop Steward, Sergeant at Arms, and Trustees.

4. The Returning Officer shall be responsible for issuing, collecting and counting the ballots. He must be fair and impartial and see that all arrangements are democratic.

Upon completion of the count the Returning Officer shall notify the President that he is ready to report, and his report shall be made immediately.

5. Voting shall take place at the Annual General Membership Meeting in February. The vote shall be by secret ballot.
6. A majority of votes (i.e. at least 50% plus 1) cast shall be required before any candidate can be declared elected. Second and subsequent ballots will be taken, if necessary, to obtain a majority.

On the second and subsequent ballots the candidate receiving the lowest number of ballots in the previous ballot shall be dropped. In case of a final tie vote, the existing Executive Board may cast the deciding vote.

7. When electing two or more nominees to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
8. Voting to fill one office shall be conducted and completed, and a recount dealt with if requested and supported by a majority vote, before the balloting may begin to fill another office.
9. Any member may request a recount of the votes for any election and a recount shall be conducted if the request is submitted prior to the balloting for any other office, and is supported by a majority vote.

c. By-Election

A by-election for any reason, should be conducted as closely as possible in conformity with the procedure for election outlined in this section.

d. Installation

All duly elected officers shall normally be installed at the meeting at which elections are held and shall continue in office for the term as described in these By-Laws or until a successor has been elected and installed, provided however, that no term of office shall be longer than three years.

e. Terms of Office

The term of office for the Executive Board Members of the Local shall be for two (2) years.

The positions to be elected in odd-numbered years are: President, Recording-Secretary, and Chief Shop Steward.

The positions to be elected in even-numbered years are: Vice-President, Secretary-Treasurer, and Sergeant at Arms.

The terms of office for Trustees is noted in Article B.3.10 of the CUPE Constitution.

f. Officers & Shop Steward Failure to Attend Meetings

Should any elected Officer fail to answer roll call for three (3) consecutive General Membership Meetings and/or four (4) consecutive Executive Board Meetings without having submitted good reason for failing to attend, their office shall be declared vacant and shall be filled by by-election at the following General Membership Meeting.

Should any Shop Steward fail to answer roll call for three consecutive General Membership Meetings and/or four (4) consecutive Grievance Committee Meetings, they shall no longer be considered a Shop Steward.

### **Section 13 – Delegates to Conventions & Representatives to Seminars & Educational Schools**

- a. Except for the President and Vice-President's option (see Section 8), all delegates to conventions shall be chosen by election at a General Membership Meeting.
- b. Delegates to the Northern Area District Council (NADC) shall be elected annually. Delegates shall be required to report at the General Membership Meeting following meetings of the Council.
- c. Representatives to attend educational schools and seminars shall be on the recommendation of the Executive Board, subject to final approval by the membership at a General Membership Meeting.

### **Section 14 – Committees**

#### a. Bargaining Committee

This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been ratified by the Local and signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement.

The Committee shall consist of at least the President and two (2) elected members. The elected members will be nominated and elected at a General Membership Meeting and must have attended at least four (4) General Membership Meetings during the past year.

The CUPE Representative assigned to the Local shall be a non-voting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

The Bargaining Committee shall:

- study the current Collective Agreement and its practical application;
- examine suggestions for improvements, be aware of any inequities, examine other similar agreements and encourage the membership to make their views known to the Committee;
- working with the priorities and directives provided by the membership, formulate proposals which shall be approved by the membership prior to negotiations;
- bargain in good faith acting upon directives from the membership and shall tender progress reports to the Local's General Membership Meetings and call for Special Meetings should the need arise;
- call a Special Meeting when it has reached a tentative agreement or impasse;
- arrange for a ratification vote on the proposed contract.

#### b. Special Committees

A special ad hoc committee may be established for a specific purpose and period by the membership at a General Membership Meeting. The members shall be elected at the same or another General Membership Meeting; or may, by specific authorization of the membership, be appointed by the President or Executive Board. Two (2) members of the Executive Board may serve on any special committee as ex-officio members.



c. Standing Committees

The Chairperson of each standing committee, with the exception of the Grievance Committee, shall be elected by the membership at a General Membership Meeting.

The Chairperson and the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee.

The Vice-President shall be a member, ex-officio, on each committee.

There shall be two (2) standing committees as follows:

i. Grievance Committee

This Committee shall process all grievances not settled at the initial stages and its reports shall be given first to the Executive Board, with a copy to the CUPE Representative and then to a General Membership Meeting.

Grievances must be in writing on the forms provided by the National Office and be signed by the complainant(s), as provided for in the Collective Agreement.

The Committee shall be comprised of the President (ex-officio), Chief Shop Steward as the Chairperson and the Shop Stewards. The Committee shall appoint its secretary from among the members. If the Chairperson is the grievor the President or his delegate shall act as the Chairperson.

Decisions of the Grievance Committee are final unless the member involved wishes to appeal the decision to the Executive Board and then to the membership at a General or Special Membership Meeting. No member shall withdraw a written grievance while it is being processed without the written permission or recommendation of the Grievance Committee.

ii. Occupational Health, Safety and Environment Committee

This Committee shall consist of four (4) members that shall be elected every two years in January, two in even-number years and two in odd-numbered years. Vacancies shall be filled as they occur in accordance with election procedures.

The Committee shall meet regularly and shall consider all suggestions received from the membership for the prevention of accidents and improvement of the working environment.

The Committee shall investigate and/or discuss the nature and cause of each accident or injury involving a member of the Union.

The Committee shall investigate and/or discuss the nature and cause of any situation presented by any member as possibly detrimental to the physical, mental or emotional welfare of the worker.

By way of regular meetings the Committee shall endeavour to make known to management through the Local's Representatives on the University Health & Safety Committee or through the Executive Board the memberships' suggestions concerning the prevention of future accidents or injuries, the improvement of present working conditions and the planning of future working environments.

The Committee shall consult as necessary, the University's Occupational Health and Safety Office, WorkSafe BC, provincial and federal labour agencies, and community organizations in order to obtain necessary information and effect changes.

Reports shall be given by the Chairperson first to the Executive Board and then to the membership at the next regularly scheduled General Membership Meeting.

### **Section 15 – Rules of Order**

- a. All meetings of the Local shall be conducted in accordance with the basic principles of Canadian Parliamentary Procedure. Some of the more important rules to ensure free debate are referenced in Appendix A of the CUPE Constitution. These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedures used to amend the By-Laws.
- b. In situations not covered by Appendix “A”, the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot’s Rules of Order shall be consulted and applied.
- c. Majority Vote: Majority votes are normally used for the election of officers. A majority must be a portion greater than half the total number of votes cast (that is at least fifty percent (50%) plus one (1) of total votes cast). For example, if three candidates are competing for a single position and 100 votes are cast, one of them would have to have received 51 votes (majority) in order to be declared elected.
- d. Simple Majority Vote: Simple majority votes are normally used for elections of delegates, motions and other yes/no decisions. A majority vote is considered to be fifty percent (50%) plus one (1) of total votes cast.
- e. Two-Thirds Majority Vote: A two-thirds majority vote is normally used for constitution and by-law changes. The vote is passed if two-thirds of the votes are cast in favour.
- f. Contract Ratification Vote: The contract ratification vote will be completed by secret ballot by referendum on a date after the Special Meeting to hear the contract proposal. The process requires a majority vote of fifty percent (50%) plus one (1) for ratification.
- g. Strike Vote: A strike vote shall be taken in accordance with the B.C. Labour Code.

### **Section 16 – Amendment**

- a. These By-Laws are always subordinate to the CUPE Constitution (including Appendix “B”) as it now exists or may be amended from time to time, and in the event of any conflict between these By-Laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict is the prerogative of the National President.
- b. These By-Laws shall not be amended, added to or suspended except upon a majority vote of those present and voting at a General or Special Membership Meeting following seven (7) days notice at a previous meeting or at least thirty (30) days written notice.
- c. No change in these By-Laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

## **From CUPE model bylaws**

### **Section 17 – Appendix “A”**

#### **RULES OF ORDER**

1. The President, or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question with the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: “Is the Local ready for the question?” Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.

14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.
23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.
25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.